

From: Tobin Fricke
To: Microsoft ATR
Date: 1/27/02 10:51am
Subject: Microsoft Settlement

Dear Sir,

I am writing to express my comments on the Proposed Final Judgment (PFJ) in the anti-trust case United States versus Microsoft under the provisions of the Tunney Act. I am a citizen of the United States, a resident of the State of California, and a student of Computer Science at the University of California.

I believe that the proposed final judgment is insufficient to end Microsoft's illegal monopoly. The PFJ would do little to improve the competition in the markets dominated by Microsoft.

One of the main provisions of the PFJ intended to facilitate competition in the markets currently controlled by Microsoft's monopoly is provision D in section III which requires that Microsoft disclose to all interested parties the programming interfaces (APIs) used by "Microsoft Middleware" to communicate with the "Windows Operating System," and then only when new major versions of "Microsoft Middleware" are released.

I believe that this requirement must be strengthened. In its current form, provision III-D gives Microsoft an advantage over possible competitors, because Microsoft would only be required to release API information after Microsoft itself has released a product relying on these APIs. Thus, Microsoft will always have a "head start" over possible competitors.

Microsoft will necessarily have better knowledge of the APIs, and hence a significant advantage over any possible competitors in software development, so long as it is Microsoft itself who implements the APIs in the operating system product.

Moreover, the release of API specifications is limited to those used by "Middleware." This is an unnecessary limitation; Microsoft should be required to release all API information used by any product, not just "middleware."

The only possible remedy to this situation that will result in fair competition of software that runs with Windows Operating System Products is complete separation between Operating System and Application Software divisions within Microsoft.

Clear demarkation between OS and application software is not just good for competition, but it is a fundamental engineering principle of computer

science. Better specified interfaces will improve security and possibly reduce the threat of worms such as NIMDA, which have caused billions of dollars of damages to organizations dependent upon Microsoft software.

Third party application software developers should communicate with the Microsoft Operating System (OS) division exactly in the same manner as the Microsoft Application Software division communicates with the Operating System division. For example, the OS division would publish API specifications, and only after this publication would the application developers (both Microsoft and third-party) be able to use this information. This will result in fair competition in the market of software running on the Windows platform.

This separation would result in a cleanly specified set of interfaces used by non-operating system software to communicate with the Windows Operating System. Not only would this result in fair competition amongst application software developers, but it would also make it possible for a third party to implement a product to compete with the Windows Operating System itself that would be able to run all of the software that can be run by the Windows Operating System itself.

The WINE project is one such effort of a third-party implementation of the Windows Operating System API. However, the WINE project's progress has been chronically plagued by the poor documentation and secret nature of some aspects of the Windows API. A fully documented Windows API would eliminate this hurdle, and allow projects such as WINE to compete with Microsoft's operating system products.

The logical means of implementing this separation is to split Microsoft into multiple entities: one corporation to produce the Windows Operating System, one corporation to produce other application software, and possibly other corporations to handle other Microsoft projects, such as Windows Media Player and Microsoft's media interests.

In the past, corporations have been broken up as a means towards eliminating monopolies. The breakup of AT&T into long-distance and research divisions and the regional bell operating companies, for example, benefited consumers in numerous ways, bringing competition, innovation, diversity, and prosperity to the telecommunications industry. The breakup of Microsoft would have similarly beneficial effects.

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